UNITED STATES DISTRICT COURT FOR THE DISTRICT OF VERMONT

AMON SYLVESTER,

Plaintiff

v. : File No. 1:08-CV-88

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WILLIAM SORRELL, ROBERT

HOFMANN, SUSAN BLAIR,

SCOTT DUBOIS, BRIAN BILODEAU,

DANIEL DAVIES, JUDY RICKSTAD, SANDRA OLBERG, SUSAN

ONDERWYZER, MARK REDMOND, :

HON. JUDGE MARK J. KELLER, : HON. JUDGE BENJAMIN JOSEPH, :

SUSAN BEDARD, :

Defendants :

ORDER

The Magistrate Judge's Report and Recommendation was filed February 11, 2009. (Paper 55.) After <u>de novo</u> review and absent objection, the Report and Recommendation is AFFIRMED, APPROVED and ADOPTED. <u>See</u> 28 U.S.C. § 636(b)(1).

Defendants' motions to dismiss (Papers 19, 20, 25 and 26) are GRANTED.

Plaintiff's motions for preliminary injunctive relief (Papers 28, 35 and 40) are

DENIED.

Further, plaintiff's motion to grant previously filed emergency restraining order (Paper 56) is DENIED, and motion to rule on previously filed emergency restraining order (Paper 57) is DENIED as moot.

Plaintiff also has filed a motion for enlargement of time to respond (Paper 58) wherein he seeks an extension of 30 days "to file a response to the States [sic]

Response, by Assistant Attorney General, David R. McLean, Esq., . . ." (Paper 58 at 2). It is unclear to what "Response" plaintiff is referring. The most recent response filed by the Office of the Attorney General was on October 15, 2008. (Paper 44.) The motion, therefore, is DENIED as untimely.

Plaintiff shall be allowed 30 days from the date of this Order to file an amended complaint. Consistent with Local Rule 15.1, the motion shall be accompanied by a draft amended complaint, and the allegations in the amended complaint shall be limited to plaintiff's post-incarceration claims. Failure to file a properly amended complaint on or before April 24, 2009 will result in dismissal of this case.

SO ORDERED.

Dated at Brattleboro, in the District of Vermont, this 25th day of March, 2009.

/s/ J. Garvan Murtha

J. Garvan Murtha

United States District Judge